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To: Department of Fish and Game and
U.S. Fish and Wildlife Service NCCP Team

Supplemental Policy Regarding Conservation Banks
Within the NCCP Area of Southern California

This memorandum provides supplemental policy regarding conservation banks within the NCCP program area. This supplemental policy was developed based upon input from the Department of fish and Game and U.S. Fish and Wildlife Service staffs.

This supplemental policy should be used, in conjunction with the Resources Agency policy regarding conservation banks dated April 7, 1995, when developing conservation banking agreements within the NCCP program area.

1. The agencies support the creation of conservation banks because they: (1) further the conservation of habitat; (2) help with regional open space planning; (3) help implement NCCPs; and (4) assist in endangered species issue resolution and provide a relatively simple means for landowners to obtain "value" for properties. All banks will conform with the California Policy on Conservation Banks, dated April 7, 1995 that was issued by The Resources Agency and the California Environmental Protection Agency and, for wetlands banks, the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, dated November 28, 1995.
2. The number of conservation banks that are established will be regulated by the "free market" and willingness of landowners to participate, not by the wildlife agencies. The location and size of conservation banks will be determined based upon the mitigation banking policies noted above and this supplemental policy. Their location relative to proposed/existing preserve areas, onsite habitat value, and value to particular species are key characteristics that will determine the overall conservation value of banks. The agencies will evaluate these characteristics in their consideration of entering into a banking agreement.

3. The geographic limits of a bank's service area should be specified in the banking agreement. "Inland banks" should be used for mitigating most inland projects, but their use for mitigating 'coastal projects should only occur based upon a case-by-case review. "Coastal banks" could incorporate special criteria to provide for their use by inland projects. The conservation value of the habitat(s) impacted by the project and conserved at the bank would be evaluated by the wildlife agencies on a case-by-case basis. Based upon the types(s) and quality(ies) of the habitats impacted and those available in the bank, the project's credit requirements could be reduced.
4. Conservation banks should be able to mitigate impacts to most habitats and species. The conservation bank agreement will specify which sensitive habitats and listed and/or covered species for which the conservation banks cannot be used to mitigate (e.g., this bank does not provide conservation value for the following habitats and species...). Only in-kind mitigation (same habitat and species) will be permitted unless the bank is located within a jurisdiction that has an approved subarea plan, or if the wildlife agencies determine that the bank achieves regional conservation goals.
5. Owners of proposed conservation banks will provide a general vegetation survey and habitat map before the agencies will approve the formal bank. More complete biological surveys are generally optional unless the bank proposes to receive credit for listed and/or covered species that are not considered by agency staffs to use or occur on the bank area.
6. Conservation bank managers will develop a management plan prior to, or within a finite period of time following the formal approval of the bank.
7. Conservation bank managers will develop a simple and efficient ledger system for identifying all credits that are granted to the bank and all withdrawals from the bank. This system will reflect the assigned credits as approved by the agencies and may be tracked by habitat type and even species in special cases.
8. Conservation banks can be phased, applying the conditions specified below. The first phase must qualify on stand alone basis, and subsequent phases must be biologically credible additions. The first credit sold permanently commits the remaining acres in that phase, but subsequent phases can be

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added sequentially after the first/earlier phase(s) sell out. Establishing the bank does not mitigate any future development on the remainder of the parcel.

9. Lands that have been dedicated or required as permanent open space on parcels that are partially proposed for a conservation bank (and the remainder for development) generally should not be assigned credit value in the bank. If the entire parcel is proposed for banking, then these constrained lands can be included. Should the property be proposed for partial development, then the constrained lands should be used to the maximum extent practicable to offset the specific project impacts, but should not be included in the mitigation bank credits. Excess constrained land could be included in a conservation bank if it has significant conservation value and it needs to have permanent protection and management.

Undevelopable land should be evaluated on a case-by-case basis to determine its conservation value. If it has significant conservation value, and it needs permanent protection and management, then it should be considered for inclusion in a conservation bank..

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